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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/698,736	10/31/2003	Jerry Z. Shan	200208138-1	3123
22879 7590 06/19/2008 HEWLETT PACKARD COMPANY P O BOX 272400, 3404 E. HARMONY ROAD INTELLECTUAL PROPERTY ADMINISTRATION FORT COLLINS, CO 80527-2400				
EXAMINER KUNDU, SUJOY K				
ART UNIT 2863		PAPER NUMBER		
NOTIFICATION DATE 06/19/2008		DELIVERY MODE ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/698,736

Applicant(s)

SHAN ET AL.

Examiner

SUJOY K. KUNDU

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 March 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SI/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicant claims, "training a detector by determining a value for a sensitivity parameter using the plurality of sequences." Applicant fails to describe the purpose or use of determining a value in the claim.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1-14 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

With regards to Claim 1, The claims are directed to a judicial exception; as such, pursuant to the Interim Guidelines on Patent Eligible Subject Matter (MPEP 2106)), the claims must have either physical transformation and/or a useful, concrete and tangible result. The claims fail to include transformation from one physical state to another. Although, the claims appear useful and concrete, there does not appear to be a tangible result claimed. Merely determining a value for a sensitivity parameter using the plurality of sequences would not appear to be sufficient to constitute a tangible result, since the

outcome of the determining a value for a sensitivity parameter using the plurality of sequences step has not been used in a disclosed practical application nor made available in such a manner that its usefulness in a disclosed practical application can be realized. As such, the subject matter of the claims is not patent eligible.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-12, 14-23, 25-30 are rejected under 35 U.S.C. 102(b) as being anticipated by Boerner et al. (US 2003/0009399).

With regards to Claim 1, 12, 15, 17, 22, 25, and 27 Boerner teaches a processor-based method comprising:

receiving a data stream comprising a plurality of temporally ordered data points (Figure 1, Paragraph 34);

generating a plurality of sequences from a first portion of the data stream (Figure 1, Paragraph 34-36); and

training a detector by determining a value for a sensitivity parameter using the plurality of sequences (Figure 1, Paragraph 18) .

With regards to Claim 3, 19, 26, Boerner teaches a method wherein running the detector comprises:

generating a score corresponding to the second portion of the data stream (Paragraph 39-40);

comparing the score to the determined value for the sensitivity parameter; and signaling detection (Paragraph 18).

With regards to Claim 2 and 16, Boerner teaches the method comprising running the detector on a second portion of the data stream (Paragraph 34-36).

With regards to Claim 4 and 18, Boerner teaches the method wherein training the detector by determining the value for the sensitivity parameter comprises selecting the value for the sensitivity parameter based on a target level for an estimated performance characteristic of the detector (Figure 1, Paragraph 43).

With regards to Claim 5, Boerner teaches the method wherein training the detector by determining the value for the sensitivity parameter comprises:

generating a score for each of the plurality of sequences (Paragraph 39-40); and selecting the value for the sensitivity parameter based on the scores (Paragraph 18).

With regards to Claim 6, Boerner teaches the method wherein generating the plurality of sequences comprises:

inferring a statistical distribution of a known type to characterize the first portion of the data stream (Paragraph 43); and

generating the plurality of sequences from the statistical distribution (Paragraph 43-45).

With regards to Claim 7, Boerner teaches the method wherein the statistical distribution is a discrete distribution containing data points from the first portion of the data stream, and wherein generating the plurality of sequences from the statistical distribution comprises selecting data points from the discrete distribution (Paragraph 43-45).

With regards to Claim 8, 28, Boerner teaches the method wherein inferring a known type of distribution comprises determining a set of parameters corresponding to the known type of statistical distribution (Paragraph 43-45).

With regards to Claim 9, Boerner teaches the method wherein generating the plurality of sequences comprises:

selecting a change based on a distribution of change (Paragraph 43-45); and
generating a changed sequence based on the selected change (Paragraph 43-45).

With regards to Claim 10, Boerner teaches the method wherein the value of the sensitivity parameter comprises determining a plurality of values for the sensitivity parameter using the plurality of sequences (Paragraph 18).

With regards to Claim 11, Boerner teaches the method wherein determining the value of the sensitivity parameter comprises calculating a transformation of a second of the plurality of values for the sensitivity parameter (Paragraph 18, 43-46).

With regards to Claims 14, 20-21, and 23, Boerner teaches the method comprising raising an alarm when a respective detector signals detection when

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parameterized by the respective sensitivity parameter and run on a second portion of a sufficient set of data streams (Paragraph 18, "indicator").

With regards to Claim 29, Boerner teaches system wherein for detecting comprises means for detecting an interesting event in a parameter of the plurality of distributions (Paragraph 43-46, 54 "trend").

With regards to Claim 30, Boerner teaches the system comprising means for injecting a change into the first portion of the data stream (Paragraph 34-36).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 13 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Boerner (US 2003/0009399) in view of Cox et al. (5,734,592).

Regarding claims 13 and 24, Boerner teaches all the limitations discussed above, however Boerner does not teach a method for determining the value for the sensitivity parameter comprises determining the value for the sensitivity parameter at least partially on cost parameters.

Cox teaches a method for determining the value for the sensitivity parameter comprises determining the value for the sensitivity parameter at least partially on cost parameters (Claims, Column 11, Claim 2).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to include teaches a method for determining the value for the sensitivity parameter comprises determining the value for the sensitivity parameter at least partially on cost parameters as taught by Cox into Boerner for the purpose of providing increase in operational time.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SUJOY K. KUNDU whose telephone number is (571)272-8586. The examiner can normally be reached on M-F 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Barlow can be reached on 571-272-2269. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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/S. K. K./

Examiner, Art Unit 2863

/Tung S. Lau/

Tung S. Lau, Art Unit 2863

Primary Examiner

June 16, 2008